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7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Statement of Issues
11 Against:

Case No. 3994

12 **NIMA HEIDARY**
13 **15 Rollingwood Drive**
Rolling Hills Estates, CA 90274
14 **Pharmacy Technician Registration Number**
Applicant

STATEMENT OF ISSUES

15 Respondent.

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17 Complainant alleges:

18 **PARTIES**

19 1. Virginia Herold ("Complainant") brings this Statement of Issues solely in her official
20 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

21 2. On or about January 29, 2010, the Board of Pharmacy, Department of Consumer
22 Affairs received an application for a Pharmacy Technician Registration Number from Nima
23 Heidary ("Respondent"). On or about January 25, 2010, Nima Heidary certified under penalty of
24 perjury to the truthfulness of all statements, answers, and representations in the application. The
25 Board denied the application on October 26, 2010.

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1 shall be considered substantially related to the qualifications,
2 functions or duties of a licensee or registrant if to a substantial
3 degree it evidences present or potential unfitness of a licensee or
4 registrant to perform the functions authorized by his license or
5 registration in a manner consistent with the public health, safety, or
6 welfare."

6. California Code of Regulations, title 16, section 1769, provides:

"(a) When considering the denial of a facility or personal license
under Section 480 of the Business and Professions Code, the board,
in evaluating the rehabilitation of the applicant and his present
eligibility for licensing or registration, will consider the following
criteria:

(1) The nature and severity of the act(s) or offense(s) under
consideration as grounds for denial.

(2) Evidence of any act(s) committed subsequent to the
act(s) or crime(s) under consideration as grounds for denial under
Section 480 of the Business and Professions Code.

(3) The time that has elapsed since commission of the act(s)
or crime(s) referred to in subdivision (1) or (2).

(4) Whether the applicant has complied with any terms of
parole, probation, restitution or any other sanctions lawfully
imposed against the applicant.

(5) Evidence, if any, of rehabilitation submitted by the
applicant..."

FIRST CAUSE FOR DENIAL OF APPLICATION

(Conviction for a Substantially Related Crime)

7. Respondent's application is subject to denial under section 480, subdivision (a)(1)
of the Code in that he was convicted of a crime that is substantially related to the qualifications,
functions, and duties of a pharmacy technician. The circumstances are as follows:

8. On or about November 27, 2006, in the criminal matter entitled *People of the State
of California v. Nima Heidary* (Los Angeles County Superior Court Case No. 6MP10682),
Respondent was convicted of violating Vehicle Code section 23152, subdivision (b), driving with
a blood alcohol level .08% or above, and violating Vehicle Code section 14601, subdivision (a),
driving with a suspended drivers license, both misdemeanors. Respondent also admitted to having
suffered two prior driving under the influence related convictions. Respondent was sentenced to
probation for a period of five years. Among the terms and conditions of probation, he was ordered
to serve one-hundred twenty days in jail and pay court fines.

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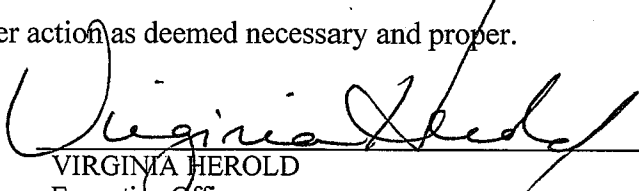
1 work, pay court fines, attend an alcohol education program through the Department of Motor
2 Vehicles, and obey all laws.

3 **PRAYER**

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
5 and that following the hearing, the Board of Pharmacy issue a decision:

- 6 1. Denying the application of Nima Heidary for a Pharmacy Technician Applicant;
7 2. Taking such other and further action as deemed necessary and proper.

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9 DATED: 6/2/11


10 VIRGINIA HEROLD
11 Executive Officer
12 Board of Pharmacy
13 Department of Consumer Affairs
14 State of California
15 Complainant

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